THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 24170 OF 2005

DATED: 11.11.2005

Between:

N.Kutumba Rao.

... PETITIONER

AND

Regional Transport Officer, Gudivada, Krishna District and another

... RESPONDENTS

ORDER:

The Tractor and Trailer of the petitioner bearing Registration Nos.KA-37/1498 and MYR 5334 was seized by the 2nd respondent, through Check Report, dated 04.11.2005, on the ground that the petitioner failed to produce necessary documents in relation to it. The petitioner challenges the seizure in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

A perusal of the Vehicle Check Report, dated 04.11.2005, discloses that the petitioner did not produce I.C., R.C., Driving Licence, P.U.C. and proof of

payment of tax. Certain other lapses were also pointed out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a. the Tractor and Trailer, bearing Registration Nos.KA-37/1489 and MYR 5334, shall be released to the petitioner on his depositing a sum of Rs.5,000/- (Rupees Five Thousand Only)

b. the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle till the proceedings in pursuance of the Check Report are finalized and that he shall produce the vehicle as and when required.

c. There shall be no order as to costs.

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11.11.2005

Jsu